

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 9244 WO JB	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/053506	International filing date (<i>day/month/year</i>) 15.12.2004	Priority date (<i>day/month/year</i>) 17.12.2003
International Patent Classification (IPC) or national classification and IPC F16H57/04		
Applicant DEERE & COMPANY		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-17 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6-6/6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>3, 4, 6-10</u>	YES
		Claims <u>1, 2, 5</u>	NO
	Inventive step (IS)	Claims <u>7</u>	YES
		Claims <u>1-6, 8-10</u>	NO
	Industrial applicability (IA)	Claims <u>1-10</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>This report makes reference to the following document:</p> <p>D1: US 6 299 561 B1 (KRAMER DENNIS A ET AL) 9 October 2001 (2001-10-09)</p> <p>1 INDEPENDENT CLAIM 1</p> <p>1.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2) or is at least obvious on the basis of the teaching in D1 (PCT Article 33(3)). D1 discloses: a gearbox arrangement for a motor vehicle, also suitable for an agricultural or industrial vehicle, the gearbox arrangements being at least partially lubricatable using lubricant from a lubricant pan and, see in particular figure 5 of D1, having at least two gearbox sections, each gearbox section having a gearbox housing part, the gearbox housing parts of the two gearbox sections</p>		

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	<p>being adjacent to each other and forming part of the lubricant pan, particularly in normal operating mode either the one or the other gearbox section usually being operable, a separating means (92, <i>inter alia</i>) being provided between the two gearbox sections by means of which the two gearbox sections can be at least partially separated from each other, which enables lubricant to be retained in the gearbox housing part the gearbox section of which is, in the momentary operating state, either not operated or operated at a low rotational speed (see also D1, column 3, lines 24-41).</p> <p>Therefore, all of the features of claim 1 appear to be known from D1. It is clear to a person skilled in the art that if the arrangement like that shown in figure 5 of D1 shows a gearbox as mentioned in the cited passage, said arrangement has two gear combinations that can run at different rotational speeds. Therefore the subject matter claimed in claim 1 is, <i>per se</i>, obvious on the basis of this interpretation and the further teaching of D1.</p> <p>2 DEPENDENT CLAIMS 2-6 and 8-10</p> <p>Claims 2-6 and 8-10 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.</p>

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The features of these claims are either already known from D1 or obvious based on the teaching of D1 in combination with general technical knowledge.

3 DEPENDENT CLAIM 7

The combination of features contained in dependent claim 7 is neither known from nor rendered obvious by the available prior art. The claim appears to meet the requirements of PCT Article 33(2) and (3).